

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

OFFICE OF THE SECRETARY OF STATE

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1872.)

[R12-150]

- 1. Title and its heading:** 1, Rules and the Rulemaking Process
Chapter and its heading: 1, Secretary of State - Rules and Rulemaking
Articles and their heading: 1, General Provisions; 2, The Arizona Administrative Register, 3, The Arizona Administrative Code; 4, Rule Drafting; 5, Proposed Rulemaking; 8, Summary Rulemaking; 10, Recodification
Section numbers: R1-1-101, R1-1-103 through R1-1-107, R1-1-109, R1-1-110, R1-1-114, R1-1-201, R1-1-202, R1-1-205, R1-1-211, R1-1-302, R1-1-401, R1-1-414, R1-1-502, R1-1-801, R1-1-802, R1-1-803, R1-1-1001 (Sections may be added, deleted or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The Office of the Secretary of State is proposing rule amendments under Laws 2012, Ch. 322 (SB 1193) and 352 (HB 2744) that become effective August 2, 2012. The Office will focus on laws in HB 2744 to amend and repeal Sections in Article 8. Changes will include the repeal of rules for Notices of Summary Rulemaking as abolished in the law, and make new rules for Notices of Expedited Rulemaking.
Additionally, the Office plans to amend the Secretary of State's rules on the rulemaking process to make citation references consistent with current statute, improve clarity of existing rules, and comply with the mandated statutory updates.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Scott Cancelosi
Director, Public Services Division
Address: Office of the Secretary of State
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007
Telephone: (602) 542-0223
Fax: (602) 542-4366
E-mail: scancelosi@azsos.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted Monday through Friday from 8:00 a.m. until 5:00 p.m. A hearing date will be scheduled in the Notice of Proposed Rulemaking.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Unknown

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NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1872.)

[R12-148]

1. **Title and its heading:** 2, Administration
Chapter and its heading: 3, Arizona State Library, Archives and Public Records
Articles and their heading: 4, Protecting Minors From Harmful Materials on the Internet
Section numbers: R2-3-401 (Sections may be added, deleted or modified as necessary.)
2. **The subject matter of the proposed rule:**
This docket has been opened to implement 2012 legislative requirements under Laws 2012, Ch. 166 (H.B. 2712). As part of this update the Arizona State Library, Archives and Public Records (LAPR) plans to amend its rules on on libraries prohibiting access to harmful materials on the internet.
LAPR plans to make citation references consistent with current statute, improve clarity of existing rules, and comply with the mandated statutory updates.
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 18 A.A.R. 1816, August 3, 2012 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Janet Fisher, Acting State Librarian
Address: Arizona State Library, Archives and Public Records
1700 W. Washington St., Room 200
Phoenix, AZ 85007
Telephone: (602) 926-4035
Fax: (602) 256-7983
E-mail: jfisher@azlibrary.gov
Web site: www.azlibrary.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted Monday through Friday from 8:00 a.m. until 5:00 p.m. An oral proceeding is not scheduled. Persons may request an oral proceeding by contacting the agency's contact person under item 4.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
The rulemaking record will close at 5:00 p.m. on Tuesday, September 4, 2012 unless an oral proceeding is requested.
Notice of Proposed Rulemaking: 18 A.A.R. 1816, August 3, 2012 (*in this issue*)

NOTICE OF RULEMAKING DOCKET OPENING

STATE RETIREMENT SYSTEM BOARD

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1872.)

[R12-133]

1. **Title and its heading:** 2, Administration
Chapter and its heading: 8, State Retirement System Board
Article and its heading: 5, Purchasing Service Credit
Section numbers: R2-8-518
2. **The subject matter of the proposed rule:**
The Board is repealing R2-8-518, which provides those retiring under ASRS with the option of using a partial lump sum of retirement benefits to purchase service credit, because the Board determined that the partial-lump-sum methodology has a negative impact on the ASRS trust fund.
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 18 A.A.R. 1818, August 3, 2012 (*in this issue*)
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Patrick Klein, Assistant Director
Address: ASRS

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3300 N. Central Ave., Suite 1400
Phoenix, AZ 85012-0250

Telephone: (602) 240-2044
Fax: (602) 240-5303
E-mail: PatK@azasrs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

Notice of Proposed Rulemaking: 18 A.A.R. 1818, August 3, 2012 (*in this issue*)

NOTICE OF RULEMAKING DOCKET OPENING

CHAPTER 18. NATUROPATHIC PHYSICIANS BOARD OF MEDICAL EXAMINERS

Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1872.)

[R12-129]

1. Title and its heading:

Chapter and its heading:

Article and its heading:

Section numbers:

4, Professions and Occupations

18, Naturopathic Physicians Medical Board

1, Definitions; 8, Experimental Medicine; 9, Certificate to Dispense

R4-18-101, R4-18-801, R4-18-802, R4-18-901, R4-18-902, R4-18-903,
R4-18-904 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

The Board is eliminating definitions in R4-18-101 that mirror statute and moving the requirements in the definition of informed consent to R4-18-802. The Board is adding a provision that specifies when the Board considers a procedure, medication, or device experimental. The Board is also adding an Article 9 that contains rules for prescribing or dispensing drugs, including minerals or nutrients. The rules include requirements for qualifications, applications for dispensing certificates, renewal of certificates, and prescribing or dispensing minerals or nutrients.

The Board is submitting this rulemaking to the Secretary of State's office in accordance with the exemption authorization under item 4 of Executive Order 2011-5, State Regulatory Rulemaking Moratorium.

3. A citation to all published notices related to the proceeding:

Notice of Proposed Rulemaking: 18 A.A.R. 1821, August 3, 2012 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Dr. Craig Runbeck, Executive Director

Address: 1400 W. Washington St., Suite 300
Phoenix, AZ 85007

Telephone: (602) 542-8242

Fax: (602) 542- 8804

E-mail: craig.runbeck@aznd.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Board will continue to accept written comments at the location listed above until the close of record. The Board will schedule oral proceedings within the statutory mandated time-frame, which will be noticed by publication in the *Arizona Administrative Register*.

6. A timetable for agency decisions or other action on the proceeding, if known:

Notice of Proposed Rulemaking: 18 A.A.R. 1821, August 3, 2012 (*in this issue*)

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NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES

MEDICAL MARIJUANA PROGRAM

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1872.) The Governor's Office authorized the notice to proceed through the rulemaking process on June 30, 2012.

[R12-135]

1. **Title and its heading:** 9, Health Services
Chapter heading: 17, Department of Health Services – Medical Marijuana Program
Articles and their heading: 1, General; 2, Qualifying Patients and Designated Caregivers; 3, Dispensaries and Dispensary Agents
Sections numbers: R9-17-101, R9-17-102, R9-17-103, R9-17-107, Table 1.1, R9-17-109, R9-17-202, R9-17-203, R9-17-302, R9-17-303, R9-17-304, R9-17-308, R9-17-309, R9-17-310, R9-17-311, R9-17-312, and R9-17-322
(Sections may be added, deleted, or modified as necessary.)
2. **Subject matter of the proposed rule:**

As required by Executive Order 2011-05, the Department requested an exception from the rulemaking moratorium, under paragraph (2)(d), to revise the rules for medical marijuana in 9 A.A.C. 17. The Office of the Governor approved the Department's request on January 30, 2012. The Department plans to revise the rules in 9 A.A.C. 17 to conform to the court orders and to establish time-lines for the acceptance and processing of applications and the issuing of dispensary registration certificates. In addition, the Department is repealing A.A.C. R9-17-302 that was promulgated for the initial allocation of dispensary registration certificate applications. Because this initial allocation has taken place, this Section is no longer necessary. The Department plans to make additional changes consistent with current statutory authority and Department policies.
3. **A citation to all published notices relating to the proceeding:**

Notice of Proposed Rulemaking: 18 A.A.R. 1831, August 3, 2012 (*in this issue*)
4. **The agency's contact person who can answer questions about the rulemaking:**

Name: Don Herrington, Assistant Director
Address: Department of Health Services
Public Health Preparedness Services
150 N. 18th Ave., Suite 520
Phoenix, AZ 85007
Telephone: (602) 542-1023
Fax: (602) 364-3266
E-mail: Don.Herrington@azdhs.gov
or
Name: Thomas Salow, Manager
Address: Department of Health Services
Administrative Counsel and Rules
1740 W. Adams St., Suite 203
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
E-mail: Thomas.Salow@azdhs.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments will be accepted at the addresses listed in item 4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.
6. **A timetable for agency decisions and other action in the proceeding:**

Notice of Proposed Rulemaking: 18 A.A.R. 1831, August 3, 2012 (*in this issue*)